



Sen. Linda Holmes

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1 AMENDMENT TO SENATE BILL 107

2 AMENDMENT NO. _____. Amend Senate Bill 107 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois State Police Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2605-225 as follows:

7 (20 ILCS 2605/2605-225 new)

8 Sec. 2605-225. Illinois State Police; violations of the
9 Drones as First Responders Act. The Illinois State Police may
10 investigate and determine whether its staff has violated the
11 Drones as First Responders Act. If a pattern of willful and
12 wanton violations of the Act by its staff is confirmed, then
13 the Illinois State Police shall take actions to prevent future
14 violations of Act through any one or more of the following
15 means: training, discipline, removal of its pilot from its
16 drone program, or other means that will prevent repeated

1 violations of the Act by its staff.

2 Section 10. The Illinois Police Training Act is amended by
3 adding Section 8.5 as follows:

4 (50 ILCS 705/8.5 new)

5 Sec. 8.5. Illinois Law Enforcement Training Standards
6 Board; violations of the Drones as First Responders Act. The
7 Board may investigate complaints and determine whether law
8 enforcement agencies other than the Illinois State Police have
9 violated the Drones as First Responders Act. If a pattern of
10 willful and wanton violations by a law enforcement agency
11 other than the Illinois State Police is confirmed, the law
12 enforcement agency shall take actions to prevent future
13 violations of the Act through any one or more of the following
14 means: training, discipline, removal of the pilot from its
15 drone program, or other means that will prevent repeated
16 violations of the Act by the law enforcement agency.

17 Section 15. The School Code is amended by adding Sections
18 10-27.1C and 34-240 as follows:

19 (105 ILCS 5/10-27.1C new)

20 Sec. 10-27.1C. Use of drone; notice to parents. A law
21 enforcement agency may use a drone to evaluate traffic flow
22 and parking around a school only if: (i) the law enforcement

1 agency first obtains from the school board that is responsible
2 for the school authorization to use a drone over the school and
3 (ii) the principal or administrator of the school notifies
4 parents and guardians of students prior to use of the drone.
5 The school board may authorize the use of a drone at the annual
6 review conducted under Section 25 of the School Safety Drill
7 Act or through a separate board action. Nothing in this
8 Section shall be construed to prohibit a law enforcement
9 agency from using a drone in accordance with the Drones as
10 First Responders Act.

11 In this Section, "drone" and "law enforcement agency" have
12 the meanings provided in Section 5 of the Drones as First
13 Responders Act.

14 (105 ILCS 5/34-240 new)

15 Sec. 34-240. Use of drones; notice to parents. A law
16 enforcement agency may use a drone to evaluate traffic flow
17 and parking around a school only if: (i) the law enforcement
18 agency first obtains from the school board that is responsible
19 for the school authorization to use a drone over the school and
20 (ii) the principal or administrator of the school notifies
21 parents and guardians of students prior to use of the drone.
22 The school board may authorize the use of a drone at the annual
23 review conducted under Section 25 of the School Safety Drill
24 Act or through a separate board action. Nothing in this
25 Section shall be construed to prohibit a law enforcement

1 agency from using a drone in accordance with the Drones as
2 First Responders Act.

3 In this Section, "drone" and "law enforcement agency" have
4 the meanings provided for those terms in Section 5 of the
5 Drones as First Responders Act.

6 Section 25. The Freedom from Drone Surveillance Act is
7 amended by changing Sections 1, 5, 15, 20, 25, and 35 and by
8 adding Section 17 as follows:

9 (725 ILCS 167/1)

10 Sec. 1. Short title. This Act may be cited as the Drones as
11 First Responders Freedom from Drone Surveillance Act.

12 (Source: P.A. 98-569, eff. 1-1-14.)

13 (725 ILCS 167/5)

14 Sec. 5. Definitions. As used in this Act:

15 "Authority" means the Illinois Criminal Justice
16 Information Authority.

17 "Drone" means any aerial vehicle that does not carry a
18 human operator.

19 "Information" means any evidence, images, sounds, data, or
20 other information gathered by a drone.

21 "Law enforcement agency" means any agency of this State or
22 a political subdivision of this State which is vested by law
23 with the duty to maintain public order and to enforce criminal

1 laws.

2 "Permitted special event" means an activity:

3 (1) for which a permit has been issued by the
4 responsible governmental agency, including, but not
5 limited to, the State of Illinois or a county,
6 municipality, township, park district, or other unit of
7 local government; and

8 (2) that is either open to the public or for which the
9 organizer has consented to the use of a drone.

10 (Source: P.A. 98-569, eff. 1-1-14.)

11 (725 ILCS 167/15)

12 Sec. 15. Exceptions. This Act does not prohibit the use of
13 a drone by a law enforcement agency:

14 (1) To counter a high risk of a terrorist attack by a
15 specific individual or organization if the United States
16 Secretary of Homeland Security determines that credible
17 intelligence indicates that there is that risk.

18 (2) If a law enforcement agency first obtains a search
19 warrant based on probable cause issued under Section 108-3
20 of the Code of Criminal Procedure of 1963. The warrant
21 must be limited to a period of 45 days, renewable by the
22 judge upon a showing of good cause for subsequent periods
23 of 45 days.

24 (3) If a law enforcement agency possesses reasonable
25 suspicion that, under particular circumstances, swift

1 action is needed to prevent imminent harm to life, or to
2 forestall the imminent escape of a suspect or the
3 destruction of evidence. The use of a drone under this
4 paragraph (3) is limited to a period of 48 hours. Within 24
5 hours of the initiation of the use of a drone under this
6 paragraph (3), the chief executive officer of the law
7 enforcement agency must report in writing the use of a
8 drone to the local State's Attorney.

9 (4) If a law enforcement agency is not undertaking a
10 criminal investigation but is attempting to locate a
11 missing person, engaging in search and rescue operations,
12 or aiding a person who cannot otherwise be safely reached,
13 ~~and is not also undertaking a criminal investigation.~~

14 (5) If a law enforcement agency is using a drone
15 solely for crime scene and traffic crash scene
16 photography. Crime scene and traffic crash photography
17 must be conducted in a geographically confined and
18 time-limited manner to document specific occurrences. The
19 use of a drone under this paragraph (5) on private
20 property requires either a search warrant based on
21 probable cause under Section 108-3 of the Code of Criminal
22 Procedure of 1963 or lawful consent to search. The use of a
23 drone under this paragraph (5) on lands, highways,
24 roadways, or areas belonging to this State or political
25 subdivisions of this State does not require a search
26 warrant or consent to search. Any law enforcement agency

1 operating a drone under this paragraph (5) shall make
2 every reasonable attempt to only photograph the crime
3 scene or traffic crash scene and avoid other areas.

4 (6) If a law enforcement agency is using a drone
5 during a disaster or public health emergency, as defined
6 by Section 4 of the Illinois Emergency Management Agency
7 Act. The use of a drone under this paragraph (6) does not
8 require an official declaration of a disaster or public
9 health emergency prior to use. A law enforcement agency
10 may use a drone under this paragraph (6) to obtain
11 information necessary for the determination of whether or
12 not a disaster or public health emergency should be
13 declared, to monitor weather or emergency conditions, to
14 survey damage, or to otherwise coordinate response and
15 recovery efforts. The use of a drone under this paragraph
16 (6) is permissible during the disaster or public health
17 emergency and during subsequent response and recovery
18 efforts.

19 (7) To conduct an infrastructure inspection of a
20 designated building or structure at the express request of
21 a local governmental agency or to conduct an evaluation of
22 traffic flow around a school in order to assist the
23 school, law enforcement agency, and engineering staff to
24 determine the optimal flow of traffic and parking around
25 the school. The school evaluation shall be pre-planned and
26 limited to the immediate roadway and parking areas at and

1 adjacent to the school. The school board or the board's
2 designee must authorize the use of the drone for this
3 purpose and, when feasible, shall notify parents ahead of
4 time that this evaluation is planned.

5 (8) To demonstrate the capabilities and functionality
6 of a police drone for public relations purposes, provided
7 that no information is recorded by the drone during such a
8 demonstration.

9 (9) In response to Public Safety Answering Point
10 (PSAP) dispatched calls for service, when the primary
11 purpose for using a drone is to locate or assist victims,
12 to identify offenders, or to coordinate the response of
13 emergency vehicles and personnel to an emergency.

14 (10) To investigate a drone being used in violation of
15 Federal Aviation Administration rules that pertain to
16 safety, including, but not limited to, any rules that
17 prohibit flying beyond visual line of sight, interfering
18 with the flight of manned aircraft, flying over people, or
19 flying in Federal Aviation Administration restricted areas
20 (such as adjacent to or at airports or areas that have a
21 Federal Aviation Administration-issued Temporary Flight
22 Restriction).

23 (11) If a law enforcement agency is using a drone at a
24 permitted special event or at a public event hosted by a
25 governmental unit in which a permit is not issued by the
26 governmental unit, such as a parade, street festival,

1 sporting event, or other similar event. The use of a drone
2 under this paragraph (11) requires that:

3 (A) signs are posted, if practical, at major entry
4 points to the event and clearly communicate to the
5 participants that a drone may be used for the purpose
6 of real-time monitoring of participant safety; and

7 (B) the drone is flown in accordance with Federal
8 Aviation Administration safety regulations.

9 Under this exception (11), a law enforcement agency
10 may use the drone:

11 (i) in advance of an event before event
12 participants have begun to assemble to determine
13 appropriate access routes, staging areas, and traffic
14 routes; or

15 (ii) during the event to proactively support
16 public safety personnel by monitoring the event
17 footprint for the following in real time:

18 (I) to detect any breach of public event space
19 to include: unauthorized vehicles, interruptions
20 of parade routes, breaching event barricades, or
21 fencing;

22 (II) to monitor crowd size and density in real
23 time;

24 (III) to provide real-time monitoring for
25 activity that could present a public safety issue
26 for the crowd as a whole, including crowd

1 movement;

2 (IV) to assist in the response of public
3 safety personnel to a real-time public safety
4 incident at the event; and

5 (V) to assess the traffic and pedestrian flow
6 around the event in real time.

7 (12) To conduct department-approved training for any
8 of the types of operations authorized by the preceding
9 exemptions, while complying with Section 20 of this Act.

10 (Source: P.A. 98-569, eff. 1-1-14; 98-831, eff. 1-1-15.)

11 (725 ILCS 167/17 new)

12 Sec. 17. Use of facial recognition. A law enforcement
13 agency operating a drone under this Act is prohibited from
14 using, during a flight, onboard facial recognition software
15 that works in conjunction with the drone, unless there is a
16 reasonable suspicion that a felony, as defined in Section 2-7
17 of the Criminal Code of 2012, is occurring or has just occurred
18 at that location or in the immediate vicinity; or the law
19 enforcement agency is attempting to locate a specific person
20 who it reasonably believes may cause great bodily harm to one
21 or more persons at that location. Nothing in this Act prevents
22 a law enforcement agency from using captured images, photos,
23 or video from a drone at a later time to identify persons
24 involved in criminal activity, if the images, photos, or video
25 are being maintained in accordance with Section 20 of this

1 Act.

2 (725 ILCS 167/20)

3 Sec. 20. Information retention.

4 (a) If a law enforcement agency uses a drone under Section
5 15 of this Act, the agency ~~within 30 days~~ shall, within the
6 following time frames, destroy all photos, videos, and images
7 gathered by the drone: ~~information gathered by the drone,~~
8 ~~except that a supervisor at that agency may retain particular~~
9 information if:

10 (1) All photos, videos, and images gathered pursuant
11 to paragraphs (1) through (11) of Section 15 shall be
12 destroyed within 30 days after being recorded.

13 (2) All photos, videos, and images gathered pursuant
14 to paragraph (12) of Section 15 shall be destroyed within
15 7 days after being recorded.

16 (b) Notwithstanding subsection (a), a supervisor at a law
17 enforcement agency may retain particular information if:

18 (1) there is reasonable suspicion that the information
19 contains evidence of criminal activity; ~~or~~

20 (2) the information is relevant to an ongoing
21 investigation or pending criminal trial;

22 (3) a supervisor at the agency deems that the
23 information will be used exclusively for training
24 purposes, provided that any such information shall not
25 contain any personally identifiable information;

1 (4) the information consists of flight path data,
2 metadata, or telemetry information of the drone;

3 (5) the information relates to infrastructure
4 inspections conducted at the request of a local
5 governmental agency or traffic and parking evaluations
6 conducted at a school; or

7 (6) the information was gathered during the
8 investigation of a drone being used in violation of
9 Federal Aviation Administration safety rules as stated in
10 paragraph (10) of Section 15.

11 (Source: P.A. 98-569, eff. 1-1-14.)

12 (725 ILCS 167/25)

13 Sec. 25. Information disclosure.

14 (a) If a law enforcement agency uses a drone under Section
15 of this Act, the agency shall not disclose any information
16 gathered by the drone, except that a supervisor of that agency
17 may disclose particular information to another governmental
18 ~~government~~ agency, if (1) there is reasonable suspicion that
19 the information contains evidence of criminal activity, or (2)
20 the information is relevant to an ongoing investigation or
21 pending criminal trial.

22 (b) Records of drone usage, including flight path data,
23 metadata, or telemetry information of specific flights, if
24 available, may be disclosed subject to the Freedom of
25 Information Act and rules adopted under that Act.

1 (c) Information relating to infrastructure inspections
2 conducted at the request of a local governmental agency may be
3 disclosed to that local governmental agency or in the case of
4 traffic and parking evaluations conducted at a school it may
5 also be disclosed to the school or any engineering staff
6 involved in the process.

7 (d) Nothing in this Act prevents the disclosure of
8 information through a court order or subpoena in connection
9 with a criminal proceeding or if the disclosure is in regard to
10 a completed traffic crash investigation.

11 (Source: P.A. 98-569, eff. 1-1-14.)

12 (725 ILCS 167/35)

13 Sec. 35. Reporting.

14 (a) If a law enforcement agency owns one or more drones,
15 then subsequent to the effective date of this Act, it shall
16 report in writing annually by April 1 to the Authority the
17 number of drones that it owns, the number of times a drone was
18 used pursuant to paragraphs (3), (4), (5), (6), (7), (8), and
19 (9) of Section 15, including the date of use, time of use,
20 reason for use, location, whether video was recorded, and
21 whether the video is designated for retention for training
22 purposes. The report shall contain a copy of the agency's
23 latest policy concerning drones as of the most recent April 1.

24 (b) On July 1 of each year, the Authority shall publish on
25 its publicly available website a concise report that lists

1 every law enforcement agency that owns a drone, and for each of
2 those agencies, the number of drones that it owns, the number
3 of times a drone was used pursuant to paragraphs (3), (4), (5),
4 (6), (7), (8), and (9) of Section 15, including the date of
5 use, time of use, reason for use, location, whether video was
6 recorded, whether the video is designated for retention for
7 training purposes. The report shall contain a copy of the
8 agency's latest policy concerning drones as of the most recent
9 April 1.

10 (c) Each law enforcement agency that uses a drone shall
11 implement and make publicly available on its website the law
12 enforcement agency's policy governing the operation, use,
13 administration, and oversight of its drone program.

14 (Source: P.A. 98-569, eff. 1-1-14.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."